



General Assembly

**Substitute Bill No. 6330**

January Session, 2011

\* \_\_\_\_HB06330GAE\_\_030811\_\_ \*

**AN ACT CONCERNING TECHNICAL AND MINOR REVISIONS TO ELECTIONS RELATED STATUTES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1       Section 1. (NEW) (*Effective from passage*) On and after the effective  
2       date of this section, (1) "tabulator" shall be substituted for "machine"  
3       and "tabulators" shall be substituted for "machines", and (2) "ballot"  
4       shall be substituted for "ballot label" and "ballots" shall be substituted  
5       for "ballot labels" in the following sections of the general statutes: 2-18,  
6       7-171, 7-292, 7-295, 7-304, 7-328c, 7-344, 7-407, 9-4, 9-7b, 9-135b, 9-150a,  
7       9-150b, 9-150d, 9-168a, 9-188, 9-229, 9-234, 9-235d, 9-236a, 9-239, 9-240,  
8       9-247a, 9-250a, 9-251, 9-256, 9-267, 9-308, 9-311a, 9-323, 9-324, 9-328, 9-  
9       329a, 9-329b, 9-330, 9-332, 9-353, 9-354, 9-363, 9-366, 9-369d, 9-371b, 9-  
10      372, 9-400, 9-426, 9-428, 9-434, 9-440, 9-446, 9-453d, 9-476, 10-45, 10-51,  
11      10-63n, 11-36 and 13a-11.

12      Sec. 2. Section 9-1 of the general statutes is repealed and the  
13      following is substituted in lieu thereof (*Effective from passage*):

14      Except as otherwise provided, the following terms, as used in this  
15      title and sections 3-124, 7-5, 7-6, 7-7, 7-17, 7-20, 7-39, 7-157, 7-214, 7-275,  
16      7-295, 7-343, 7-407, 8-1, 8-5, 8-19, 10-219, 11-36, 13a-11, 30-10, 30-11, 45a-  
17      18, 45a-19 and 51-95 [shall] have the following meanings:

18      (a) ["Ballot label"] "Ballot" means paper or other material containing  
19      the names of the candidates or a statement of a proposed constitutional

20 amendment or other question or proposition to be voted on;

21 (b) "Board for admission of electors" means the board as composed  
22 under subsection (a) of section 9-15a;

23 (c) "Clerical error" means any error in the registry list or enrollment  
24 list due to a mistake or an omission on the part of the printer or a  
25 mistake or omission made by the registrars or their assistants;

26 (d) "Election" means any electors' meeting at which the electors  
27 choose public officials by use of voting [machines] tabulators or by  
28 paper ballots as provided in [sections 9-271 and] section 9-272;

29 (e) "Elector" means any person possessing the qualifications  
30 prescribed by the Constitution and duly admitted to, and entitled to  
31 exercise, the privileges of an elector in a town;

32 (f) Repealed by P.A. 77-298, S. 14;

33 (g) "Municipal clerk" means the clerk of a municipality;

34 (h) "Municipal election" means the regularly recurring election held  
35 in a municipality at which the electors of the municipality choose  
36 public officials of such municipality;

37 (i) "Municipality" means any city, borough or town within the state;

38 (j) "Official ballot" means the official ballot to be used at an election,  
39 or the official [paper] ballot to be used thereat in accordance with the  
40 provisions of [sections 9-271 and] section 9-272;

41 (k) "Population" means the population according to the last-  
42 completed United States census;

43 (l) "Presidential electors" means persons elected to cast their ballots  
44 for President and Vice President of the United States;

45 (m) "Print" means methods of duplication of words by mechanical  
46 process, but shall not include typewriting;

47 (n) "Referendum" means (1) a question or proposal which is  
48 submitted to a vote of the electors or voters of a municipality at any  
49 regular or special state or municipal election, as defined in this section,  
50 (2) a question or proposal which is submitted to a vote of the electors  
51 or voters, as the case may be, of a municipality at a meeting of such  
52 electors or voters, which meeting is not an election, as defined in  
53 subsection (d) of this section, and is not a town meeting, or (3) a  
54 question or proposal which is submitted to a vote of the electors or  
55 voters, as the case may be, of a municipality at a meeting of such  
56 electors or voters pursuant to section 7-7 or pursuant to charter or  
57 special act;

58 (o) "Regular election" means any state or municipal election;

59 (p) "Registrars" means the registrars of voters of the municipality;

60 (q) "Registry list" means the list of electors of any municipality  
61 certified by the registrars;

62 (r) "Special election" means any election not a regular election;

63 (s) "State election" means the election held in the state on the first  
64 Tuesday after the first Monday in November in the even-numbered  
65 years in accordance with the provisions of the Constitution of  
66 Connecticut;

67 (t) "State officers" means the Governor, Lieutenant Governor,  
68 Secretary of the State, Treasurer, Comptroller and Attorney General;

69 (u) "Voter" means a person qualified to vote at town and district  
70 meetings under the provisions of section 7-6;

71 (v) "Voting district" means any municipality, or any political  
72 subdivision thereof, having not more than one polling place in a  
73 regular election;

74 (w) "Voting tabulator" means a machine, including, but not limited  
75 to, a device which operates by electronic means, for the registering and

76 recording of votes cast at elections, primaries and referenda;

77 (x) "Write-in ballot" means a vote cast for any person whose name  
78 does not appear on the official ballot as a candidate for the office for  
79 which [his] the person's name is written in;

80 (y) "The last session for admission of electors prior to an election"  
81 means the day which is the seventh day prior to an election.

82 Sec. 3. Subsection (a) of section 9-135a of the general statutes is  
83 repealed and the following is substituted in lieu thereof (*Effective from*  
84 *passage*):

85 (a) Each absentee ballot shall be arranged to resemble the  
86 appropriate ballot [label] and sample ballot [label] as prescribed by  
87 law, and shall include, as applicable, the offices, party designations,  
88 names of candidates and questions to be voted upon and spaces for  
89 write-in votes. A replica of the state seal shall be printed on the ballot.  
90 The size, type, form, instructions, specifications for paper and printing  
91 and other specifications shall be prescribed by the Secretary of the  
92 State. [The Secretary of the State shall provide a ballot facsimile to each  
93 municipal clerk for use in preparing the ballot form.]

94 Sec. 4. Section 9-224 of the general statutes is repealed and the  
95 following is substituted in lieu thereof (*Effective from passage*):

96 If any special election is called to fill a vacancy in any office on the  
97 same day as a regular election, the names of the candidates for such  
98 office shall be placed on the same [voting machine] ballot as the names  
99 of the candidates to be voted for at such regular election, and except as  
100 otherwise specifically provided by statute, the provisions of the  
101 statutes governing regular elections shall apply to such special  
102 election.

103 Sec. 5. Subsection (b) of section 9-235 of the general statutes is  
104 repealed and the following is substituted in lieu thereof (*Effective from*  
105 *passage*):

106 (b) Except for rows of candidates entitled to unofficial checkers  
107 under subsection (a) of this section, each group of three or more  
108 electors whose names appear in one single row on the [voting  
109 machine] ballot [label] in a voting district, may designate not more  
110 than two electors of the town in which the voting district is located, to  
111 serve as unofficial checkers on behalf of the candidates whose names  
112 appear in such row. Such candidates shall submit a list of the names of  
113 such designees to the registrars of voters at least forty-eight hours  
114 prior to the election. The registrars shall verify that each such designee  
115 is an elector of the town and shall appoint not more than two such  
116 designees to serve each such row of candidates. The registrars shall, at  
117 the request of such a group of three or more electors, change such  
118 designations at any time before the closing of the polls on the day of an  
119 election.

120 Sec. 6. Subsection (a) of section 9-238 of the general statutes is  
121 repealed and the following is substituted in lieu thereof (*Effective from*  
122 *passage*):

123 (a) Except as provided in [sections 9-271 and] section 9-272, voting  
124 [machines] tabulators shall be used at all elections held in any  
125 municipality, or in any part thereof, for voting and registering and  
126 counting votes cast at such elections for officers, and upon all  
127 questions or amendments submitted at such elections. The board of  
128 selectmen of each town, the common council of each city and the  
129 warden and burgesses of each borough shall purchase or lease, or  
130 otherwise provide, for use at elections in each such municipality a  
131 number of voting tabulators approved by the Secretary of the State.  
132 Different voting tabulators may be provided for different voting  
133 districts in the same municipality. Notwithstanding any provision of  
134 this subsection to the contrary, the registrars of voters of a  
135 municipality may determine the number of voting tabulators that shall  
136 be provided for use at any special election in such municipality,  
137 provided the registrars shall provide at least one voting tabulator in  
138 the municipality or, in a municipality divided into voting districts, at  
139 least one voting tabulator in each such district.

140 Sec. 7. Section 9-238a of the general statutes is repealed and the  
141 following is substituted in lieu thereof (*Effective from passage*):

142 During the first week of February in each year, the town clerk of  
143 each town shall notify the Secretary of the State, on a form provided by  
144 said secretary, of the total number of [names on the active registry list  
145 and on each enrollment list and the total number of unaffiliated  
146 electors, in such town, and of the total number of] voting [machines  
147 therein] tabulators in such town and, in towns divided into voting  
148 districts, in addition, the same information for each voting district. If  
149 the number of [machines] tabulators listed in such notification is less  
150 than the number required under section 9-238, as amended by this act,  
151 the town clerk shall include in such notification an explanation of the  
152 discrepancy. Each such clerk shall also file a duplicate copy of such  
153 notification with the officials who are required to provide voting  
154 [machines] tabulators in [his] the clerk's municipality under section 9-  
155 238, as amended by this act.

156 Sec. 8. Section 9-240a of the general statutes is repealed and the  
157 following is substituted in lieu thereof (*Effective from passage*):

158 Not more than two hundred ten days nor less than thirty days prior  
159 to each regular election for state officers, each voting [machine]  
160 tabulator to be used in the next succeeding regular election, including  
161 each additional [machines] tabulator required under section 9-238, as  
162 amended by this act, shall be examined by the company which  
163 manufactured the same or its successor or, with the approval of the  
164 Secretary of the State, by persons skilled in the mechanics and  
165 operation of [said machines] such tabulator, for the purpose of  
166 determining that such [machine] tabulator is in sound operable  
167 condition for use in such election. Arrangements for such examination  
168 shall be made by the officials responsible for providing voting  
169 [machines] tabulators under section 9-238, as amended by this act. The  
170 company or person making such examination shall file a report with  
171 respect to each [machine] tabulator with the Secretary of the State and  
172 with [said] such officials, indicating whether or not such [machine]

173 tabulator is in sound operable condition. When, as a result of any such  
174 examination, a [machine] tabulator is found not to be in sound  
175 operable condition, [said] such officials shall have such [machine]  
176 tabulator repaired, or shall provide a voting [machine] tabulator in  
177 sound operable condition to replace the [machine] tabulator found  
178 inoperable. The cost for such examination in each town shall be paid  
179 by such town. Failure to cause the examination of a voting [machine]  
180 tabulator, as herein required, shall not, of itself, prevent the use of such  
181 [machine] tabulator in any election.

182 Sec. 9. Subsection (a) of section 9-241 of the general statutes is  
183 repealed and the following is substituted in lieu thereof (*Effective from*  
184 *passage*):

185 (a) Any person owning or holding an interest in any voting  
186 [machine] tabulator, as defined in subsection (w) of section 9-1, as  
187 amended by this act, may apply to the Secretary of the State to  
188 examine such [machine] tabulator and report on its accuracy and  
189 efficiency. The Secretary of the State shall examine the [machine]  
190 tabulator and determine whether, in the Secretary's opinion, the kind  
191 of [machine] tabulator so examined (1) meets the requirements of  
192 section 9-242, as amended by this act, (2) can be used at elections,  
193 primaries and referenda held pursuant to this title, and (3) [in the case  
194 of an electronic voting machine examined by the Secretary after the  
195 Voting Technology Standards Board submits the report required under  
196 section 9-242c, complies with the standards adopted by said board  
197 under section 9-242c] complies with applicable standards for electronic  
198 voting tabulators. If the Secretary of the State determines that the  
199 [machine] tabulator can be so used, such [machine] tabulator may be  
200 adopted for such use. No [machine] tabulator not so approved shall be  
201 so used. Each application shall be accompanied by a fee of one  
202 hundred dollars and the Secretary of the State shall not approve any  
203 [machine] tabulator until such fee and the expenses incurred by the  
204 Secretary in making the examination have been paid by the person  
205 making such application. Any voting [machine] tabulator company  
206 that has had its voting [machine] tabulator approved and that

207 subsequently alters such [machine] tabulator in any way shall provide  
208 the Secretary of the State with notice of such alterations, including a  
209 description thereof and a statement of the purpose of such alterations.  
210 If any such alterations appear to materially affect the accuracy,  
211 appearance or efficiency of the [machine] tabulator, or modify the  
212 [machine] tabulator so that it can no longer be used at elections,  
213 primaries or referenda held pursuant to this title, at the discretion of  
214 the Secretary of the State, the company shall submit such alterations  
215 for inspection and approval, at its own expense, before such altered  
216 [machines] tabulators may be used. The Secretary of the State may  
217 adopt regulations, in accordance with the provisions of chapter 54,  
218 concerning examination and approval of voting [machines] tabulators  
219 under this section. No voting [machine] tabulator that records votes by  
220 means of holes punched in designated voting response locations may  
221 be approved or used at any election, primary or referendum held  
222 pursuant to this title.

223 Sec. 10. Section 9-242 of the general statutes is repealed and the  
224 following is substituted in lieu thereof (*Effective from passage*):

225 (a) A voting [machine] tabulator approved by the Secretary of the  
226 State shall be so constructed as to provide facilities for voting for the  
227 candidates of at least nine different parties or organizations. It shall  
228 permit voting in absolute secrecy. It shall be provided with a lock by  
229 means of which any illegal movement of the voting or registering  
230 mechanism is absolutely prevented. Such [machine] tabulator shall be  
231 so constructed that an elector cannot vote for a candidate or on a  
232 proposition for whom or on which [he] the elector is not lawfully  
233 entitled to vote.

234 (b) It shall be so constructed as to prevent an elector from voting for  
235 more than one person for the same office, except when [he] the elector  
236 is lawfully entitled to vote for more than one person for that office, and  
237 it shall afford [him] the elector an opportunity to vote for only as many  
238 persons for that office as [he] the elector is by law entitled to vote for,  
239 at the same time preventing [his] the elector from voting for the same



240 person twice. It shall be so constructed that all votes cast will be  
241 registered or recorded by the [machine] tabulator.

242 (c) Notwithstanding the provisions of subsection (b) of this section,  
243 the Secretary of the State may approve a voting [machine] tabulator  
244 which requires the elector in the polls to place [his] the elector's ballot  
245 into the recording device and which meets the voluntary performance  
246 and test standards for voting systems adopted by (1) the Federal  
247 Election Commission on January 25, 1990, as amended from time to  
248 time, or (2) the Election Assistance Commission pursuant to the Help  
249 America Vote Act of 2002, P.L. 107-252, 42 USC 15481-85, as amended  
250 from time to time, whichever standards are most current at the time of  
251 the Secretary of the State's approval, and regulations which the  
252 Secretary of the State may adopt in accordance with the provisions of  
253 chapter 54, provided the voting [machine] tabulator shall (A) warn the  
254 elector of overvotes, (B) not record overvotes, and (C) not record more  
255 than one vote of an elector for the same person for an office.

256 (d) Any direct recording electronic voting [machine] tabulator  
257 approved by the Secretary of the State for an election or primary held  
258 on or after July 1, 2005, shall be so constructed as to:

259 (1) (A) Contemporaneously produce an individual, permanent,  
260 paper record containing all of the elector's selections of ballot  
261 preferences for candidates and questions or proposals, if any, prior to  
262 the elector's casting a ballot, as set forth in this subsection, and (B)  
263 produce at any time after the close of the polls a voting [machine]  
264 tabulator generated, individual, permanent, paper record of each such  
265 elector's selections of ballot preferences for candidates and questions  
266 or proposals, if any. Both the contemporaneously produced paper  
267 record and the voting [machine] tabulator generated paper record of  
268 each elector's selections of ballot preferences shall include a voting  
269 [machine] tabulator generated unique identifier that can be matched  
270 against each other and which preserves the secrecy of the elector's  
271 ballot as set forth in subdivision (4) of this subsection;

272 (2) Provide each elector with an opportunity to verify that the  
273 contemporaneously produced, individual, permanent, paper record  
274 accurately conforms to such elector's selection of ballot preferences, as  
275 reflected on the electronic summary screen, and to hear, if desired, an  
276 audio description of such electronic summary screen, for the purpose  
277 of having an opportunity to make any corrections or changes prior to  
278 casting the ballot. If an elector makes corrections or changes prior to  
279 casting the ballot, the voting [machine] tabulator shall void such  
280 contemporaneously produced paper record, contemporaneously  
281 produce another paper record containing such corrections or changes  
282 and provide the elector with another opportunity to verify ballot  
283 preferences in accordance with the provisions of this subdivision. As  
284 used in this section, "electronic summary screen" means a screen  
285 generated by a direct recording electronic voting [machine] tabulator  
286 that displays a summary of an elector's selections of ballot preferences  
287 for candidates and questions or proposals, if any, at an election or  
288 primary;

289 (3) Provide that a ballot shall be deemed cast on the voting  
290 [machine] tabulator at the time that an elector's contemporaneously  
291 produced, individual, permanent, voter-verified paper record,  
292 containing all of the elector's final selections of ballot preferences, is  
293 (A) deposited inside a receptacle designed to store all such paper  
294 records produced by such voting [machine] tabulator on the day of the  
295 election or primary, and (B) the elector's selection of ballot preferences  
296 is simultaneously electronically recorded inside the voting [machine]  
297 tabulator for the purpose of (i) being electronically tabulated  
298 immediately after the polls are closed on the day of the election or  
299 primary, and (ii) producing, on such other day as required under  
300 section 9-242b, as amended by this act, a voting [machine] tabulator  
301 generated, individual, permanent, paper record of each such elector's  
302 selections of ballot preferences for candidates and questions or  
303 proposals, if any;

304 (4) Except as otherwise provided in subdivision (1) of section 9-  
305 242b, as amended by this act, secure the secrecy of each such elector's

306 ballot by making it impossible for any other individual to identify the  
307 elector in relationship to such elector's selection of ballot preferences at  
308 the time that the elector (A) selects ballot preferences; (B) verifies the  
309 accuracy of the electronic summary screen by comparing it to the  
310 contemporaneously produced, individual, permanent, paper record or  
311 the audio description of such electronic summary screen, prior to  
312 casting a ballot; (C) makes corrections or changes by reselecting ballot  
313 preferences and verifies the accuracy of such preferences in accordance  
314 with the provisions of subdivision (2) of this subsection prior to casting  
315 a ballot; and (D) casts the ballot; and at the time that all electors' ballots  
316 are canvassed, recanvassed or otherwise tallied to produce a final  
317 count of the vote for candidates and questions or proposals, if any,  
318 whether through the electronic vote tabulation process or through the  
319 manual count process of each elector's contemporaneously produced,  
320 individual, permanent, voter-verified paper record, as set forth in  
321 section 9-242b, as amended by this act; and

322 (5) (A) Be accessible to blind or visually impaired persons by  
323 providing each elector, if desired by the elector, an audio description  
324 of the contemporaneously produced individual, permanent, paper  
325 record containing all of the elector's selections of ballot preferences, in  
326 addition to an audio description of the electronic summary screen and  
327 comply with such additional standards of accessibility included in  
328 regulations that the Secretary of the State may adopt in accordance  
329 with the provisions of chapter 54.

330 (B) Notwithstanding the provisions of subparagraph (A) of this  
331 subdivision, on or before June 30, 2007, the Secretary of the State may  
332 approve an electronic voting [machine] tabulator that does not comply  
333 with the provisions of said subparagraph if (i) the Secretary  
334 determines that there are no electronic voting [machines] tabulators  
335 available for purchase or lease at the time of such approval that are  
336 capable of complying with said subparagraph (A), (ii) the electronic  
337 voting [machine] tabulator complies with the provisions of  
338 subdivisions (1) to (4), inclusive, of this subsection, and (iii) the person  
339 applying to the Secretary for approval of the electronic voting

340 [machine] tabulator agrees to include a provision in any contract for  
341 the sale or lease of such voting [machines] tabulators that requires such  
342 person, upon notification by the Secretary that modifications to such  
343 [machines] tabulators that would bring the [machines] tabulators into  
344 compliance with said subparagraph (A) are available, to (I) so modify  
345 any electronic voting [machines] tabulators previously sold or leased  
346 under such contract in order to comply with said subparagraph (A),  
347 and (II) provide that any electronic voting [machines] tabulators sold  
348 or leased after receipt of such notice comply with said subparagraph  
349 (A). No voting [machine] tabulator approved under this subparagraph  
350 shall be used on or after July 1, 2007, unless it has been modified to  
351 comply with the provisions of subparagraph (A) of this subdivision.

352 Sec. 11. Section 9-242b of the general statutes is repealed and the  
353 following is substituted in lieu thereof (*Effective from passage*):

354 The following procedures shall apply to any election or primary in  
355 which one or more direct recording electronic voting [machines]  
356 tabulators are used:

357 (1) Any elector who requires assistance by reason of blindness,  
358 disability, or inability to read or write shall have the right to request  
359 assistance inside the voting booth by a person of the elector's choice in  
360 accordance with 42 USC 1973aa-6, as amended from time to time, or  
361 section 9-264, as amended by this act.

362 (2) A canvass of the votes shall take place inside the polling place  
363 immediately following the close of the polls on the day of the election  
364 or primary in accordance with the requirements of chapter 148. With  
365 respect to direct recording electronic voting [machines] tabulators, any  
366 such canvass shall be an electronic vote tabulation of all of the votes  
367 cast on each such voting [machine] tabulator for each candidate and  
368 question or proposal, and the moderator shall attach a printout of such  
369 electronic vote tabulation to the tally sheets. The moderator shall then  
370 add together all of the votes recorded on each voting [machine]  
371 tabulator in use at the polling place, whether or not such voting

372 [machines] tabulators were direct recording electronic voting  
373 [machines] tabulators, to produce a cumulative count within the  
374 polling place of all candidates and any questions or proposals  
375 appearing on the ballot in the election or primary. Any member of the  
376 public shall have a right to be present in the polling place to observe  
377 the canvass of the votes beginning as soon as the polls are declared  
378 closed by the moderator and continuing throughout the canvass of the  
379 votes of each voting [machine] tabulator until the final canvass of all of  
380 the votes cast on all of the voting [machines] tabulators in use in the  
381 polling place are added together for each candidate and question or  
382 proposal and publicly announced and declared by the moderator.

383 (3) If a recanvass of the votes is required pursuant to chapter 148,  
384 the recanvass officials shall, in addition to the other requirements of  
385 said chapter, conduct a manual tally of the individual, permanent,  
386 voter-verified, paper records contemporaneously produced by each  
387 direct recording electronic voting [machine] tabulator used within the  
388 geographical jurisdiction that is subject to such recanvass. The manual  
389 tally conducted for the recanvass shall be limited to the particular  
390 candidates and questions or proposals that are subject to recanvass. If  
391 the manual tabulation of such contemporaneously produced paper  
392 records does not reconcile with the electronic vote tabulation of a  
393 particular direct recording electronic voting [machine] tabulator or  
394 [machines] tabulators, such contemporaneously produced paper  
395 records shall be considered the true and correct record of each elector's  
396 vote on such electronic voting [machine] tabulator or [machines]  
397 tabulators and shall be used as the official record for purposes of  
398 declaring the official election results or for purposes of any subsequent  
399 recanvass, tally or election contest conducted pursuant to chapters 148  
400 to 153, inclusive. If any of the contemporaneously produced  
401 individual, permanent, voter-verified paper records are found to have  
402 been damaged in such manner as they are unable to be manually  
403 tallied with respect to the ballot positions that are the subject of the  
404 recanvass, each such damaged record shall be matched against the  
405 voting [machine] tabulator generated, individual, permanent, paper

406 record produced by the voting [machine] tabulator bearing the  
407 identical [machine-generated] tabulator-generated unique identifier as  
408 the damaged record and, in such instance, shall be substituted as the  
409 official record for purposes of determining the final election results or  
410 for purposes of any subsequent recanvass, tally or election contest.

411 (4) Notwithstanding the provisions of section 9-311, the Secretary of  
412 the State may order a discrepancy recanvass under said section of the  
413 returns of an election or a primary for a district office, a state office or  
414 the office of elector of President and Vice-President of the United  
415 States, if the Secretary has reason to believe that discrepancies may  
416 have occurred that could affect the outcome of the election or primary.  
417 Any such discrepancy recanvass may be conducted of the returns in  
418 any or all voting districts in (A) the district in which an election or  
419 primary is held, in the case of an election or primary for a district  
420 office, or (B) the state, in the case of an election or primary for a state  
421 office or the office of elector of President and Vice-President of the  
422 United States or a presidential preference primary, whichever is  
423 applicable. As used in this subdivision, "district office" and "state  
424 office" have the same meanings as provided in section 9-372.

425 (5) Not later than five business days after each election in which a  
426 direct recording electronic voting [machine] tabulator is used, the  
427 registrars of voters or their designees, representing at least two  
428 political parties, shall conduct a manual audit of the votes recorded on  
429 at least (A) two direct recording electronic voting [machines]  
430 tabulators used in each assembly district, or (B) a number of direct  
431 recording electronic voting [machines] tabulators equal to fifty per cent  
432 of the number of voting districts in the municipality, whichever is less.  
433 Not later than five business days after a primary in which a direct  
434 recording electronic voting [machine] tabulator is used, the registrar of  
435 voters of the party holding the primary shall conduct such a manual  
436 audit by designating two or more individuals, one of whom may be  
437 the registrar, representing at least two candidates in the primary. The  
438 [machines] tabulators audited under this subdivision shall be selected  
439 in a random drawing that is announced in advance to the public and is

440 open to the public. All direct recording electronic voting [machines]  
441 tabulators used within an assembly district shall have an equal chance  
442 of being selected for the audit. The Secretary of the State shall  
443 determine and publicly announce the method of conducting the  
444 random drawing, before the election. The manual audit shall consist of  
445 a manual tabulation of the contemporaneously produced, individual,  
446 permanent, voter-verified, paper records produced by each voting  
447 [machine] tabulator subject to the audit and a comparison of such  
448 count, with respect to all candidates and any questions or proposals  
449 appearing on the ballot, with the electronic vote tabulation reported  
450 for such voting [machine] tabulator on the day of the election or  
451 primary. Such audit shall not be required if a recanvass has been, or  
452 will be, conducted on the voting [machine] tabulator. Such manual  
453 audit shall be noticed in advance and be open to public observation. A  
454 reconciliation sheet, on a form prescribed by the Secretary of the State,  
455 that reports and compares the manual and electronic vote tabulations  
456 of each candidate and question or proposal on each such voting  
457 [machine] tabulator, along with any discrepancies, shall be prepared  
458 by the audit officials, signed and forthwith filed with the town clerk of  
459 the municipality and the Secretary of the State. If any  
460 contemporaneously produced, individual, permanent, voter-verified,  
461 paper record is found to have been damaged, the same procedures  
462 described in subdivision (3) of this section for substituting such record  
463 with the voting [machine] tabulator generated, individual, permanent,  
464 paper record produced by the voting [machine] tabulator bearing the  
465 identical [machine] tabulator generated unique identifier as the  
466 damaged record shall apply and be utilized by the audit officials to  
467 complete the reconciliation. The reconciliation sheet shall be open to  
468 public inspection and may be used as prima facie evidence of a  
469 discrepancy in any contest arising pursuant to chapter 149. If the audit  
470 officials are unable to reconcile the manual count with the electronic  
471 vote tabulation and discrepancies, the Secretary of the State shall  
472 conduct such further investigation of the voting [machine] tabulator  
473 malfunction as may be necessary for the purpose of reviewing whether  
474 or not to decertify the voting [machine] tabulator or [machines]

475 tabulators and may order a recanvass in accordance with the  
476 provisions of subdivision (4) of this section.

477 (6) The individual, permanent, voter-verified, paper records  
478 contemporaneously produced by any direct recording electronic  
479 voting [machine] tabulator in use at an election or primary held on or  
480 after July 1, 2005, shall be carefully preserved and returned in their  
481 designated receptacle in accordance with the requirements of section 9-  
482 266 [, 9-302] or 9-310, whichever is applicable, and may not be opened  
483 or destroyed, except during recanvass or manual audit as set forth in  
484 this section, for one hundred eighty days following an election or  
485 primary that does not include a federal office, pursuant to section 9-  
486 310, or for twenty-two months following an election or primary  
487 involving a federal office, pursuant to 42 USC 1974, as amended from  
488 time to time.

489 (7) Nothing in this section shall preclude any candidate or elector  
490 from seeking additional remedies pursuant to chapter 149.

491 (8) After an election or primary, any voting [machine] tabulator may  
492 be kept locked for a period longer than that prescribed by sections 9-  
493 266, 9-310 and 9-447, as amended by this act, if such an extended  
494 period is ordered by either a court of competent jurisdiction or the  
495 State Elections Enforcement Commission. Either the court or said  
496 commission may order an audit of such voting [machines] tabulators  
497 to be conducted by such persons as the court or said commission may  
498 designate.

499 Sec. 12. Section 9-245 of the general statutes is repealed and the  
500 following is substituted in lieu thereof (*Effective from passage*):

501 The reports of the [mechanics] registrars of voters, provided for  
502 under section 9-246, and the report provided for under subsection (c)  
503 of section 9-244, shall be filed with the municipal clerk and shall be  
504 kept by the municipal clerk for at least sixty days after the election for  
505 which the [machines] tabulators were so prepared.



506 Sec. 13. Section 9-248 of the general statutes is repealed and the  
507 following is substituted in lieu thereof (*Effective from passage*):

508 When a voting [machine] tabulator is purchased or leased or  
509 otherwise provided for use in any municipality, the Secretary of the  
510 State shall prepare or approve samples of the following printed matter  
511 and supplies and shall furnish one of each to the officials of such  
512 municipality who have so provided such [machine] tabulator in  
513 accordance with the provisions of section 9-238, as amended by this  
514 act: (1) Directions for testing and preparing the voting [machines]  
515 tabulators for the election; (2) one certificate on which the [mechanic]  
516 registrars of voters can certify that [he has] they have properly tested  
517 and prepared the [machine] tabulator for the election; (3) one  
518 certificate on which some person other than the [mechanic] registrars  
519 of voters who prepared the [machine] tabulator can certify that the  
520 [machine] tabulator has been examined and found to have been  
521 properly prepared for the election; (4) one certificate on which can be  
522 certified that party watchers have witnessed the testing and preparing  
523 of the [machines] tabulators; (5) one certificate that the [machines]  
524 tabulators have been delivered to polling places in good order; (6) one  
525 card for each polling place, stating the penalty for tampering with or  
526 injuring a voting [machine] tabulator; (7) two seals for sealing the  
527 [machine] tabulator; [(8) one envelope in which the keys to the  
528 machine can be sealed and delivered to the election officials, such  
529 envelope to have printed or written thereon the designation and  
530 location of the voting district in which the machine is to be used, the  
531 number of the machine, the number shown on the protective counter  
532 thereof after the machine has been prepared for the election and the  
533 number or other designation on such seal as the machine is sealed  
534 with, such envelope to have attached to it a detachable receipt for the  
535 delivery of the keys to the voting machine to the election officials; (9)  
536 one envelope in which the keys to the voting machine can be returned  
537 by the election officials after the election; (10) one card stating the  
538 name and telephone number and address of the mechanic on the day  
539 of the election; and (11)] and (8) a report of an inspection of the

540 [machines] tabulators by the moderator, registrars and checkers, which  
541 inspection shall be made before the opening of the polls. The  
542 [municipal clerk] registrars of voters shall, for each election, prepare  
543 and furnish said supplies for each voting [machine] tabulator, in  
544 conformity with said samples. The [municipal clerk] registrars of  
545 voters shall also prepare and furnish to the election officials tally and  
546 return blanks [containing the names of all candidates for office on the  
547 official ballots,] in such manner as may be directed by the Secretary of  
548 the State, except that all blanks furnished by said secretary throughout  
549 the state shall be uniform in their printing.

550 Sec. 14. Subsection (a) of section 9-249 of the general statutes is  
551 repealed and the following is substituted in lieu thereof (*Effective from*  
552 *passage*):

553 (a) Before each election, the registrars of voters [,] and certified  
554 moderator [and certified mechanic] shall instruct the election officials.  
555 Any provision of the general statutes or of any special act to the  
556 contrary notwithstanding, election officials shall be appointed at least  
557 twenty days before the election except as provided in section 9-229.  
558 The registrars [,] and certified moderator [and certified mechanic] shall  
559 instruct each election official who is to serve in a voting district in  
560 which a voting [machine] tabulator is to be used in the use of the  
561 [machine] tabulator and [his] the election official's duties in connection  
562 therewith, and for the purpose of giving such instruction, such  
563 instructors shall call such meeting or meetings of the election officials  
564 as are necessary. Such instructors shall, without delay, file a report in  
565 the office of the municipal clerk and with the Secretary of the State, (1)  
566 stating that they have instructed the election officials named in the  
567 report and the time and place where such instruction was given, and  
568 (2) containing a signed statement from each such election official  
569 acknowledging that the official has received such instruction.

570 Sec. 15. Subsection (a) of section 9-249a of the general statutes is  
571 repealed and the following is substituted in lieu thereof (*Effective from*  
572 *passage*):

573 (a) The names of the parties shall be arranged on the [machines]  
574 ballots in the following order:

575 (1) The party whose candidate for Governor polled the highest  
576 number of votes in the last-preceding election;

577 (2) Other parties who had candidates for Governor in the last-  
578 preceding election, in descending order, according to the number of  
579 votes polled for each such candidate;

580 (3) Minor parties who had no candidate for Governor in the last-  
581 preceding election;

582 (4) Petitioning candidates with party designation whose names are  
583 contained in petitions approved pursuant to section 9-453o; and

584 (5) Petitioning candidates with no party designation whose names  
585 are contained in petitions approved pursuant to section 9-453o.

586 Sec. 16. Subsection (a) of section 9-249b of the general statutes is  
587 repealed and the following is substituted in lieu thereof (*Effective from*  
588 *passage*):

589 (a) If, after applying the provisions of sections 9-249a, as amended  
590 by this act, and 9-453r, as amended by this act, the number of party  
591 designations and petitioning candidate rows on the ballot exceeds  
592 nine, the Secretary of the State may authorize (1) two or more party  
593 designations and petitioning candidates to appear on the same row of  
594 the [voting machines] ballot, beginning with the ninth row on the  
595 [voting machines] ballot and, if necessary, then moving up one or  
596 more rows, (2) that an office take two or more columns on the [voting  
597 machines] ballot, and (3) that the party designation, or an abbreviation  
598 of it, be repeated on the ballot.

599 Sec. 17. Section 9-255 of the general statutes is repealed and the  
600 following is substituted in lieu thereof (*Effective from passage*):

601 The board of selectmen or the municipal clerk shall provide for all

602 polling places using voting [machines] tabulators at least three sample  
603 [ballot labels which shall be arranged in the form of a diagram  
604 showing the entire front of the voting machine as it will appear after  
605 the official ballot labels are arranged for voting on election day or that  
606 portion thereof which will] ballots that shall contain the offices, party  
607 designations, names of candidates, write-in slots and questions to be  
608 voted upon. On each such sample ballot [label] shall be printed  
609 instructions as to the use of the voting [machine] tabulator, which  
610 instructions shall be approved by the Secretary of the State. Such  
611 sample [ballot labels] ballots shall be so posted inside the polling place  
612 as to be visible to those within the polling place during the whole day  
613 of election. At least one of such sample [ballot labels] ballots shall be so  
614 posted as to be visible to an elector being instructed on the  
615 [demonstrator or spare voting machine] use of the voting tabulator  
616 under section 9-260.

617 Sec. 18. Section 9-264 of the general statutes is repealed and the  
618 following is substituted in lieu thereof (*Effective from passage*):

619 [(a)] An elector who requires assistance to vote, by reason of  
620 blindness, disability or inability to write or to read the ballot, may be  
621 given assistance by a person of the elector's choice, other than (1) the  
622 elector's employer, (2) an agent of such employer, or (3) an officer or  
623 agent of the elector's union. The person assisting the elector may  
624 accompany the elector into the voting [machine] booth. Such person  
625 shall register such elector's vote upon the [machine] ballot as such  
626 elector directs. Any person accompanying an elector into the voting  
627 [machine] booth who deceives any elector in registering [his] the  
628 elector's vote under this section or seeks to influence any elector while  
629 in the act of voting, or who registers any vote for any elector or on any  
630 question other than as requested by such elector, or who gives  
631 information to any person as to what person or persons such elector  
632 voted for, or how [he] such elector voted on any question, shall be  
633 fined not more than one thousand dollars or imprisoned not more than  
634 five years or both.

635 [(b) Paper ballots provided by the municipal clerk to the moderator  
636 pursuant to section 9-259 shall be made available for electors with  
637 disabilities in polling places in which a voting machine cannot be  
638 adjusted to allow all necessary parts to be reached from a chair. Such  
639 paper ballots shall be used at the option of the elector with disabilities.  
640 The elector shall announce the elector's name to the checkers who shall  
641 cross the elector's name off the registry list and add it with the elector's  
642 address to the end of the official checklist where it shall be designated  
643 "paper ballot for persons with disabilities" or "PBD" and serially  
644 numbered. After the elector has so announced the elector's name, the  
645 moderator shall deliver to the elector an absentee ballot and a serially-  
646 numbered envelope. The elector shall forthwith mark the ballot in the  
647 presence of the moderator in such manner that the moderator shall not  
648 know how the ballot is marked. The elector shall fold the ballot in the  
649 presence of the moderator so as to conceal the markings and deposit  
650 and seal it in the serially-numbered envelope. The elector shall deliver  
651 the envelope to the moderator who shall place it in a specially-  
652 designated depository envelope. The paper ballots thus received shall  
653 be counted at the next scheduled absentee ballot count in the same  
654 manner as other absentee ballots. Such ballots so counted shall be  
655 preserved by placing them in the depository envelopes with the  
656 regular absentee ballots, and such serially-numbered envelopes shall  
657 be placed in the depository envelopes with the regular absentee ballot  
658 envelopes.]

659 Sec. 19. Section 9-352 of the general statutes is repealed and the  
660 following is substituted in lieu thereof (*Effective from passage*):

661 Any election official who, with intent to cause or permit any voting  
662 [machine] tabulator to fail to correctly register all votes cast thereon,  
663 tampers with or disarranges such [machine] tabulator in any way or  
664 any part or appliance thereof, or causes such [machine] tabulator to be  
665 used or consents to its being used for voting at any election with  
666 knowledge of the fact that the same is not in order, or not perfectly set  
667 and adjusted to correctly register all votes cast thereon, or who, for the  
668 purpose of defrauding or deceiving any elector or of causing it to be

669 doubtful for what candidate or candidates or proposition any vote is  
670 cast, or causing it to appear upon such [machine] tabulator that votes  
671 cast for one candidate or proposition were cast for another candidate  
672 or proposition, removes, changes or mutilates any ballot [label on such  
673 machine or any part thereof,] shall be fined not more than one  
674 thousand dollars or imprisoned not more than five years, or both.

675 Sec. 20. Section 9-307 of the general statutes is repealed and the  
676 following is substituted in lieu thereof (*Effective from passage*):

677 Immediately after the polls are closed, the official checkers,  
678 appointed under the provisions of section 9-234, shall make and  
679 deliver to the moderator a certificate, in duplicate, stating the whole  
680 number of names on the registry list or enrollment list including, if  
681 applicable, unaffiliated electors authorized under section 9-431 to vote  
682 in the primary, and the number checked as having voted in that  
683 election or primary. For the purpose of computing the whole number  
684 of names on the registry list, the lists of persons who have applied for  
685 presidential or overseas ballots prepared in accordance with section 9-  
686 158h shall be included. Thereupon the registrars or assistant registrars,  
687 as the case may be, acting at the respective polls, shall write and sign  
688 with ink, on the list or lists so used and checked, a certificate of the  
689 whole number of names registered thereon eligible to vote in the  
690 election or primary and the number checked as having voted in that  
691 election or primary, and deposit it in the office of the municipal clerk  
692 of their town on or before the following day. The municipal clerk shall  
693 carefully preserve the same on file, with the marks on it without  
694 alteration, for public inspection, and shall immediately enter a certified  
695 copy of such certificate on the town records. Subject to the provisions  
696 of section 7-109, the municipal clerk may destroy any voting check list  
697 four years after the date upon which it was used. The moderator shall  
698 place one of the duplicate certificates which [he] the moderator  
699 received from the official checkers [in the voting machine together  
700 with] with the voted ballots from the polling place and the moderator's  
701 return provided for in sections 9-259 and 9-310 and shall then lock the  
702 [machine] tabulator as provided in section 9-310, and [he] the

703 moderator shall deposit the other of such duplicate certificates in the  
704 office of the municipal clerk on or before the following day.

705 Sec. 21. Section 9-309 of the general statutes is repealed and the  
706 following is substituted in lieu thereof (*Effective from passage*):

707 As soon as the polls are closed, the moderator, in the presence of the  
708 other election officials, shall immediately lock the voting [machine]  
709 tabulator against voting and immediately [open the counting  
710 compartments, giving a full view of all the counter numbers to all the  
711 election officials present] cause the vote totals for all candidates and  
712 questions to be produced. The moderator shall, in the order of the  
713 offices as their titles are arranged on the [machine] ballot, read and  
714 announce in distinct tones the result as shown, [by the counter  
715 numbers,] giving the number indicated [by each counter] and  
716 indicating the candidate to whom such [counter] total belongs, and  
717 shall read the votes recorded for each office on the [voting machine  
718 ballot label] ballot. [He] The moderator shall also, in the same manner,  
719 announce the vote on each constitutional amendment, proposition or  
720 other question voted on. The vote so announced by the moderator  
721 shall be taken down by each checker and recorded on the tally sheets.  
722 Each checker shall record the number of votes received for each  
723 candidate on the [voting machine ballot label] ballot and also the  
724 number received by each person for whom write-in ballots were cast.  
725 The [counter compartment of the voting machine] result totals shall  
726 remain [open] in full public view until the statement of canvass and all  
727 other reports have been fully completed and signed by the moderator,  
728 checkers and registrars, or assistant registrars, as the case may be. The  
729 result of the votes cast shall be publicly announced by the moderator,  
730 who shall read the name of each candidate, with the designating  
731 number and letter [of his counter and the machine vote registered on  
732 such counter] on the ballot and the absentee vote as furnished the  
733 moderator by the absentee ballot counters; also the vote cast for and  
734 against each question submitted. While such announcement is being  
735 made, ample opportunity shall be given to any person lawfully present  
736 to compare the results so announced with the [counter dials of the

737 machine] result totals provided by the tabulator and any necessary  
738 corrections shall then and there be made by the moderator, checkers  
739 and registrars or assistant registrars, after which the [doors]  
740 compartments of the voting [machine] tabulator shall be closed and  
741 locked. In canvassing, recording and announcing the result, the  
742 election officials shall be guided by any instructions furnished by the  
743 Secretary of the State. [If the machine is equipped with a device for  
744 printing totals of candidate and question counters, and the device has  
745 been made operational at the instruction of both registrars of voters,  
746 the doors concealing the counters shall not be opened. The printed  
747 record produced by the machine shall be the official return, and the  
748 results of the votes as shown thereon shall be proclaimed in the same  
749 manner as herein provided and ample opportunity shall be given to  
750 any person lawfully present to inspect such printed records. If the  
751 moderator finds that the printed record is not clear, the doors  
752 concealing the counters shall be opened and counting shall proceed as  
753 with a machine which does not have such a device.]

754 Sec. 22. Section 9-367 of the general statutes is repealed and the  
755 following is substituted in lieu thereof (*Effective from passage*):

756 Any person, not being an election official, who, during any election  
757 or before any election, [after a voting machine has had placed upon it  
758 the ballot label for such election,] tampers with [such machine] a  
759 voting tabulator, disarranges, defaces, injures or impairs the same in  
760 any manner, or mutilates, injures or destroys any ballot [label placed  
761 thereon or to be placed thereon,] or any other appliance used in  
762 connection with such [machine] tabulator, shall be imprisoned for not  
763 more than five years.

764 Sec. 23. Section 9-369 of the general statutes is repealed and the  
765 following is substituted in lieu thereof (*Effective from passage*):

766 Whenever at any regular or special state or municipal election any  
767 vote for approval or disapproval of any constitutional amendment or  
768 any question or proposal is taken pursuant to the Constitution, the



769 general statutes or any special act, unless otherwise provided, such  
770 election shall be warned and held, the vote on such amendment,  
771 question or proposal cast and canvassed and the result determined and  
772 certified as nearly as may be in accordance with the provisions  
773 governing the election of officers in the state or in such municipality.  
774 The warning for such election shall state that a purpose of such  
775 election is to vote for the approval or disapproval of such amendment,  
776 question or proposal and shall state the section of the Constitution or  
777 of the general statutes or the special act under authority of which such  
778 vote is taken. The vote on such amendment, question or proposal shall  
779 be taken by a "Yes" and "No" vote on the voting [machine] tabulator,  
780 and the designation of such amendment, question or proposal on the  
781 [voting machine ballot label] ballot shall be "Shall (here insert the  
782 question or proposal, followed by a question mark)". Such ballot [label]  
783 shall be provided for use in accordance with the provisions of section  
784 9-250. The municipal clerk shall number on the ballot [label] the  
785 questions to be voted upon according to the order in which they will  
786 appear thereon, provided amendments to the Constitution shall be  
787 numbered by the Secretary of the State in numerical order based upon  
788 the dates on which resolutions proposing such amendments were  
789 passed, precedence being given to the earliest passed unless otherwise  
790 provided by the resolutions proposing such amendments. Each elector  
791 shall vote "Yes" if in favor of the amendment, question or proposal or  
792 "No" if not in favor thereof. [The registrars of voters shall cause an  
793 adhesive label, three inches high by four inches wide, upon which  
794 shall be imprinted, in clearly discernible lettering, the words "Vote on  
795 the Questions" to be affixed to the upper left-hand corner of each such  
796 voting machine, directly opposite the spaces provided for the  
797 amendment, question or proposal. Such adhesive labels shall be  
798 provided by the Secretary of the State upon receipt of a written order  
799 therefor from the registrars of voters, which order shall specify the  
800 number of such labels required.] If, upon the official determination of  
801 the result of such vote, it appears that a majority of all the votes so cast  
802 are in approval of such amendment, question or proposal, such  
803 amendment, question or proposal shall, unless otherwise provided,

804 take effect forthwith.

805 Sec. 24. Subsection (c) of section 9-369c of the general statutes is  
806 repealed and the following is substituted in lieu thereof (*Effective from*  
807 *passage*):

808 (c) Upon receipt of the written form of the question or proposal to  
809 be voted on at any such referendum, the municipal clerk shall  
810 immediately prepare and print absentee ballots for the referendum.  
811 The phrasing of the question or proposal on the absentee ballots shall  
812 be identical to the phrasing on the ballot [or ballot label] to be used for  
813 voting in person at the referendum.

814 Sec. 25. Section 9-377 of the general statutes is repealed and the  
815 following is substituted in lieu thereof (*Effective from passage*):

816 At a primary votes may be cast and counted only for duly qualified  
817 candidates at such primary whose names appear on the ballot label on  
818 primary day. [The write-in slides shall be covered on voting machines  
819 used at a primary, and no write-in spaces shall appear on the absentee  
820 ballots used at a primary] No write-in spaces shall appear on the  
821 ballots used at a primary.

822 Sec. 26. Section 9-435 of the general statutes is repealed and the  
823 following is substituted in lieu thereof (*Effective from passage*):

824 Except as provided in sections 9-418 and 9-419, if in any  
825 municipality, within the time specified in section 9-405, a candidacy for  
826 nomination by a political party to any municipal office or for election  
827 as a town committee member is filed with the registrar, in conformity  
828 with the provisions of sections 9-405 to 9-412, inclusive, and section 9-  
829 414, by or on behalf of any person other than party-endorsed  
830 candidates, the registrar shall forthwith after the deadline for  
831 certification of party-endorsed candidates notify the clerk of such  
832 municipality that a primary is to be held by such party for the  
833 nomination of such party to such office or for the election by such  
834 party of town committee members, as the case may be. Such notice

835 shall include a list of all the proposed candidates, those endorsed as  
836 well as those filing candidacies, together with their addresses and the  
837 titles of the offices or positions for which they are candidates. In the  
838 case of a primary for justices of the peace, such notice shall also contain  
839 the complete ballot [label] designation of each slate pursuant to  
840 subsection (h) of section 9-437, as amended by this act. The clerk of the  
841 municipality shall thereupon cause such notice to be published  
842 forthwith in a newspaper having a general circulation in such  
843 municipality, together with a statement of the date upon which the  
844 primary is to be held, the hours during which the polls shall be open  
845 and the location of the polls, [ and shall send a copy of such notice to  
846 the Secretary of the State and record the same.] The clerk of the  
847 municipality shall also file such notice with the Secretary of the State  
848 not later than three business days after receipt of such notice from the  
849 registrar of voters. The clerk shall forthwith publish any change in the  
850 proposed candidates, listing such changes.

851 Sec. 27. Section 9-436 of the general statutes is repealed and the  
852 following is substituted in lieu thereof (*Effective from passage*):

853 (a) Voting [machines] tabulators shall be used at each primary,  
854 provided, (1) if, because of the number of offices and positions to be  
855 voted upon at a primary, there is an insufficient number of vertical  
856 columns on any [machine] ballot to be used in a municipality, the vote  
857 in such municipality at such primary for such offices or positions as  
858 the Secretary of the State determines shall be taken by paper ballots,  
859 and (2) if, because of the number of candidates for any office or  
860 position to be voted upon at a primary, there is an insufficient number  
861 of horizontal rows with respect to such office or position on any  
862 [machine] ballot to be used in the municipality, the vote in such  
863 municipality at such primary for such office or position shall be taken  
864 by paper ballots. More than one voting [machine] tabulator may be  
865 used in any voting district if the registrar so prescribes. The registrar  
866 shall furnish a number of voting [machines] booths sufficient to  
867 provide a voting [machine] booth for each [twenty-four] five hundred  
868 or fraction of [twenty-four] five hundred electors eligible to vote at

869 such primary in the municipality or voting district, as the case may be,  
870 and other necessary equipment. In each polling place in which a party  
871 has authorized unaffiliated electors, pursuant to section 9-431, to vote  
872 for some but not all offices to be contested at the primary, a separate  
873 voting [machine] tabulator shall be used for such unaffiliated electors  
874 and the registrar shall separately furnish one voting [machine] booth  
875 for each [twenty-four] five hundred or fraction of [twenty-four] five  
876 hundred enrolled party members and one voting [machine] booth for  
877 each [twenty-four] five hundred or fraction of [twenty-four] five  
878 hundred unaffiliated electors authorized to vote at such primary in  
879 such district. In determining such number of electors, enrolled party  
880 members or unaffiliated electors, the registrar shall not count the  
881 names on the enrollment or registry lists of seventy-five per cent of  
882 such electors, unaffiliated electors or enrolled party members who  
883 reside in institutions, as defined in section 9-159q. The registrar may  
884 provide more than the minimum number of voting [machines] booths  
885 required by this section.

886 [(b) The registrar shall appoint a suitable mechanic or mechanics to  
887 prepare, adjust and place the voting machines for use at the primary  
888 under the direction of the registrar. A voting machine mechanic shall  
889 be deemed a primary official but need not be an elector of any town.]

890 [(c)] (b) Each [machine] tabulator shall be so arranged that the  
891 elector may vote for as many persons for nomination or election to  
892 each office or position as there are persons to be nominated or elected,  
893 as the case may be, and no more, and so that the elector may vote for  
894 individual candidates; provided the vote for justices of the peace shall  
895 be by slate, as provided in section 9-443.

896 [(d)] (c) The registrar shall appoint from among the enrolled party  
897 members in the municipality or political subdivision holding the  
898 primary, as the case may be, to serve in each polling place, the primary  
899 polling place officials, who shall consist of one moderator, at least one,  
900 but not more than two official checkers, not more than two challengers  
901 if he deems it necessary, and at least one and not more than two ballot

902 clerks and at least one but not more than two voting [machine]  
903 tabulator tenders for each [machine] tabulator in use at such primary  
904 and, in towns with two or more voting districts at least one and not  
905 more than two assistant registrars, provided (1) in the case of a  
906 political subdivision holding a primary, if no enrolled party member  
907 who resides in the political subdivision and who is a certified  
908 moderator consents to serve as a moderator, the registrar may appoint  
909 any enrolled party member who resides in the municipality and is a  
910 certified moderator to be moderator, (2) in the case of either a  
911 municipality or a political subdivision holding a primary, if no  
912 enrolled party member can be found or no such person consents to  
913 serve as a moderator, the registrar may appoint any elector who  
914 resides in the municipality and is a certified moderator to be  
915 moderator, (3) in the case of a political subdivision holding a primary,  
916 if an insufficient number of enrolled party members who reside in the  
917 political subdivision consent to serve as checkers, challengers, voting  
918 [machine] tabulator tenders or assistant registrars, the registrar may  
919 appoint any enrolled party member who resides in the municipality to  
920 be a checker, challenger, voting [machine] tabulator tender or assistant  
921 registrar, [and] (4) in the case of either a municipality or a political  
922 subdivision holding a primary, if a sufficient number of enrolled party  
923 members cannot be found or do not consent to serve in a position  
924 described in subdivision (3) of this subsection, the registrar may  
925 appoint any elector who resides in the municipality to any such  
926 position, and (5) in the case of either a municipality or a political  
927 subdivision holding more than one primary on the same day for  
928 different political parties, one certified moderator may serve as  
929 moderator for both primaries, if the registrars of voters so agree. If  
930 unaffiliated electors are authorized under section 9-431 to vote for  
931 some but not all of the offices to be contested at the primary, the  
932 registrar shall appoint two additional checkers to check the list of  
933 unaffiliated electors who are authorized to vote on the separate  
934 [machines] tabulators. If unaffiliated electors are authorized under  
935 section 9-431 to vote in the primary of either of two parties in the same  
936 polling place, whether for some or for all offices to be contested at the

937 primary, each such registrar shall appoint two additional checkers to  
938 check the list of unaffiliated electors who are authorized to vote in  
939 either such primary.

940 [(e)] (d) The registrar shall designate one of the moderators so  
941 appointed by the registrar to be head moderator or shall appoint as  
942 head moderator an elector who is not also moderator of a polling place  
943 and who shall be deemed a primary official. The registrar may also  
944 appoint a deputy head moderator to assist the head moderator in the  
945 performance of his duties. A deputy head moderator shall also be  
946 deemed to be a primary official. Each registrar's appointments of  
947 primary polling place officials, except moderators of polling places,  
948 and of designees to conduct supervised voting of absentee ballots  
949 pursuant to sections 9-159q and 9-159r shall be divided equally, as  
950 nearly as may be, between designees of the party-endorsed candidates  
951 and designees of one or more of the contestants, provided, if a party-  
952 endorsed candidate is a member of a party other than the one holding  
953 the primary, such primary officials [, except voting machine  
954 mechanics,] shall be enrolled party members of the party holding the  
955 primary. Names of designees and alternate designees for such  
956 positions shall be submitted in writing by party-endorsed candidates  
957 and contestants to the registrar not later than ten days before the  
958 primary, except that names of designees and alternate designees for  
959 the position of moderator shall be so submitted not later than twenty-  
960 one days before the primary and, if such lists are not so presented, all  
961 such appointments shall be made by the registrar but in the above-  
962 mentioned proportion. The registrar shall notify all such candidates  
963 and contestants of their right to submit a list of designees under this  
964 section. Notwithstanding any other provision of this section, the  
965 registrar shall appoint as moderators only persons who are certified to  
966 serve as moderators or alternate moderators pursuant to section 9-229,  
967 unless there is an insufficient number of such persons who are enrolled  
968 members of the registrar's party in the municipality or political  
969 subdivision holding the primary, in which case the registrar may  
970 appoint a new moderator in accordance with section 9-229, but only to

971 the extent of such insufficiency. Primary central counting moderators  
972 and absentee ballot counters shall also be deemed primary officials. No  
973 primary official shall perform services for any candidate at the primary  
974 on primary day.

975     [(f)] (e) If paper ballots are required for the vote on any office or  
976 position in a municipality, the clerk of the municipality, in consultation  
977 with the registrars of voters, shall print a paper ballot for use in such  
978 primary for nomination to such office or election to such position. The  
979 Secretary of the State shall prescribe the form of such paper ballot. The  
980 Secretary of the State may prescribe general rules for the use of paper  
981 ballots in any primary, including the duties of officials at the polls with  
982 regard to the same, the marking of the same and the counting of the  
983 same. The procedure to be followed when paper ballots are so used  
984 shall conform, as nearly as may be, to the procedure applicable to  
985 voting [machines] tabulators provided in this chapter and to the law  
986 governing the use of paper ballots in regular elections and such rules  
987 shall have the force and effect of law. Chapter 54 shall not apply to  
988 rules made pursuant to this section.

989     [(g)] (f) The provisions of section 9-258 concerning additional lines  
990 of electors at a polling place, and of section 9-258a concerning two  
991 shifts of officials at a polling place, shall apply to a primary. Except as  
992 otherwise provided in this chapter, the provisions of the general  
993 statutes relating to the use of voting [machines] tabulators at regular  
994 elections shall apply as nearly as may be to the use of voting  
995 [machines] tabulators at primaries.

996     Sec. 28. Section 9-437 of the general statutes is repealed and the  
997 following is substituted in lieu thereof (*Effective from passage*):

998     (a) At the top of each ballot [label] shall be printed the name of the  
999 party holding the primary, and each ballot [label] shall contain the  
1000 names of all candidates to be voted upon at such primary, except the  
1001 names of justices of the peace. The vertical columns shall be headed by  
1002 the designation of the office or position and instructions as to the

1003 number for which an elector may vote for such office or position, in the  
1004 same manner as a ballot [label] used in a regular election. The name of  
1005 each candidate for town committee or municipal office, except for the  
1006 municipal offices of state senator and state representative, shall appear  
1007 on the ballot [label] as it appears on the registry list of such candidate's  
1008 town of voting residence, except as provided in section 9-42a. The  
1009 name of each candidate for state or district office or for the municipal  
1010 offices of state senator or state representative shall appear on the ballot  
1011 as it appears on the certificate or statement of consent filed under  
1012 section 9-388, 9-391, 9-400 or 9-409. On the first horizontal line, below  
1013 the designation of the office or position in each column, shall be placed  
1014 the name of the party-endorsed candidate for such office or position,  
1015 such name to be marked with an asterisk; provided, where more than  
1016 one person may be voted for for any office or position, the names of  
1017 the party-endorsed candidates shall be arranged in alphabetical order  
1018 from left to right under the appropriate office or position designation  
1019 and shall continue, if necessary, from left to right on the next lower  
1020 line or lines. In the case of no party endorsement there shall be inserted  
1021 the designation "no party endorsement" at the head of the vertical  
1022 column, immediately beneath the designation of the office or position.  
1023 On the horizontal lines below the line for party-endorsed candidates  
1024 shall be placed, in the appropriate columns, the names of all other  
1025 candidates as hereinafter provided.

1026 (b) (1) In the case of two or more such candidates for the same state  
1027 or district office, precedence as to row shall be determined by the  
1028 alphabetical order of the surnames of such candidates, except as  
1029 provided under subdivision (2) of this subsection. (2) If a single  
1030 certificate or a single petition has been filed under subsection (a) of  
1031 section 9-400 on behalf of two or more candidates and proposing one  
1032 candidate for each state office to be contested at such primary, a single  
1033 row shall be used for the names of such candidates and precedence as  
1034 to row between such certificates and petitions shall be determined by  
1035 the Secretary of the State by lot in a ceremony which shall be open to  
1036 the public. The names of all other candidates for state office shall be



1037 placed in the appropriate columns in alphabetical order on the rows  
1038 below the row or rows used for candidates whose names are contained  
1039 in such a single certificate, certificates, single petition or petitions.

1040 (c) Whenever the position of candidates or slates on the ballot [label]  
1041 under the provisions of this section is affected by the time or order of  
1042 filing of primary petitions, and the registrar of voters certifies in  
1043 writing to the town clerk that (1) two or more of the petitions to which  
1044 such provisions apply were filed simultaneously, or (2) [he] the  
1045 registrar is unable to determine the time or order of filing of two or  
1046 more such petitions, then for purposes of this section the order of filing  
1047 of the petitions specified in the registrar's certification shall be  
1048 determined by the town clerk by lot in a ceremony which shall be open  
1049 to the public.

1050 (d) In the case of candidates for municipal office, a single row shall  
1051 be used for the candidates whose names are contained in one primary  
1052 petition, provided such petition proposes at least two candidates and  
1053 the full number of candidates for each office to be contested at such  
1054 primary as the party may nominate or choose thereat, precedence as to  
1055 row being given to the candidates whose names appear in the first  
1056 such petition filed, and so on in descending order.

1057 (e) The names of candidates for town committee members which are  
1058 contained in one primary petition shall be placed in a separate row,  
1059 precedence as to row being given to the candidates whose names  
1060 appear in petitions in the order determined in accordance with this  
1061 subsection. Petitions filed by nine o'clock a.m. on the first business day  
1062 following the day on which petitions become available shall be given  
1063 precedence as to row based on the number of valid signatures filed, in  
1064 descending order from the greatest to the least. Petitions filed after  
1065 nine o'clock a.m. on the first business day following the day on which  
1066 petitions become available shall be given precedence as to row based  
1067 on the order in which they are filed, if such petitions are filed during  
1068 the regular business hours of the office of the registrars of voters or  
1069 during any different hours for said office required under the general

1070 statutes. Such order of precedence shall be determined separately for  
1071 petitions proposing the full number of candidates which the party may  
1072 choose at the primary and for petitions proposing fewer than such full  
1073 number of candidates, and provided further that petitions proposing  
1074 such full number of candidates shall have precedence as to row over  
1075 petitions proposing fewer than such full number of candidates.

1076 (f) Within such row or rows for those whose names are contained in  
1077 one primary petition, where more than one person may be voted for  
1078 any municipal office or position, such names shall be arranged in  
1079 alphabetical order from left to right under the appropriate municipal  
1080 office or position designation. The names of all other candidates shall  
1081 be placed in the appropriate columns in alphabetical order on the  
1082 horizontal lines below the line or lines used for candidates whose  
1083 names are contained in one primary petition, if any; provided where  
1084 more than one person may be voted for for any office or position, such  
1085 names shall be arranged in alphabetical order from left to right under  
1086 the appropriate office or position designation and shall continue, if  
1087 necessary, from left to right on the next lower line or lines.

1088 (g) The name of each candidate shall appear on the ballot [label] in  
1089 such position as is hereinbefore required, and such position shall be  
1090 determined as of the final time for filing candidacies specified in  
1091 section 9-400 or 9-405. Vacancies in candidacies thereafter occurring  
1092 shall not cause the position of any candidate's name on the ballot  
1093 [label] to be changed to another position. The name of any candidate  
1094 whose candidacy has been vacated shall not appear on the ballot,  
1095 [label. The voting machine pointer over each position where no  
1096 candidate's name appears shall be locked so that no vote can be cast for  
1097 such position.] If such a vacancy results in the cancellation of a  
1098 primary for any office, the office column or columns where the names  
1099 of the candidates and the title of the office would have appeared if the  
1100 primary for that office had not been cancelled shall be left blank. If a  
1101 vacancy occurs in a party-endorsed candidacy and a person is chosen  
1102 in accordance with section 9-426 or 9-428 to fill the resulting vacancy in  
1103 candidacy, the name of the person so chosen shall appear in the same

1104 position as that in which the name of the vacating candidate appeared.  
1105 The municipal clerk shall have the ballot [label] prepared so that the  
1106 name of any candidate who has vacated [his] such candidate's  
1107 candidacy is deleted and so that the name of any candidate chosen to  
1108 fill a vacancy in candidacy appears in the same position as that in  
1109 which the vacated candidacy appeared. The municipal clerk may use  
1110 blank or printed stickers, as the case may be, in preparing the [ballot  
1111 labels] ballots if the [ballot labels] ballots were printed before the  
1112 occurrence of the vacancy in candidacy or the selection of a candidate  
1113 to fill a vacancy in candidacy. The order of the offices and positions  
1114 shall be as prescribed by the Secretary of the State.

1115 (h) The names of candidates for election as justices of the peace shall  
1116 not appear on the ballot. [label.] A single vertical column shall be used  
1117 for all the candidates for election to the office of justice the peace of a  
1118 particular town. The vertical column used for justices of the peace shall  
1119 be headed by the words "justices of the peace". On the first horizontal  
1120 line in the vertical column used for justice of the peace shall be placed  
1121 the words "party-endorsed slate". On the second and succeeding  
1122 horizontal lines, in the order of the time of filing, shall be placed the  
1123 words "challenge slate", preceded, in quotation marks, by the letter  
1124 designating such line. The municipal clerk shall prepare a list of the  
1125 names of all candidates on each slate for election as justices of the  
1126 peace, including the complete ballot [label] designation of each such  
1127 slate as provided in this subsection, which shall be posted in the  
1128 polling places by each moderator for the inspection of the electors  
1129 prior to voting.

1130 (i) The names of candidates for nomination to any elective office or  
1131 for election as members of a town committee, as the case may be, shall  
1132 be separated from each other by a light line, but shall not be separated  
1133 from each other on the ballot [label] by names of candidates for any  
1134 other office or position or by columns used for any other office or  
1135 position; and the column or columns used for each office or position  
1136 shall be separated from the columns used for other offices or positions  
1137 by a heavy line.

1138 (j) All [ballot labels] ballots used at a primary shall be prepared by  
1139 the clerk of the municipality in which such primary is held and shall be  
1140 printed at the expense of the municipality. Each municipality shall  
1141 provide for all polling places:

1142 (1) At least forty-eight hours before the primary, such clerk shall  
1143 have sample [ballot labels] ballots for general distribution, which shall  
1144 [be arranged in the form of a diagram showing the entire front of the  
1145 voting machine as it will appear after the official ballot labels are  
1146 arranged for voting on the day of the primary or that portion thereof  
1147 that will] contain the offices or positions and names of candidates to be  
1148 voted upon. Each such sample ballot [label] shall also include printed  
1149 instructions approved by the Secretary of the State concerning the use  
1150 of the voting [machine] tabulator and information concerning the date  
1151 of the primary and the hours during which polling places will be open.  
1152 Such clerk shall have available for distribution such number of sample  
1153 [ballot labels] ballots as [he] such clerk deems advisable, but in no  
1154 event less than three which shall be posted inside the polling place so  
1155 as to be visible to those within the polling place during the whole day  
1156 of the primary. At least one of such sample [ballot labels] ballots shall  
1157 be posted so as to be visible to an elector being instructed on the  
1158 demonstrator [or spare voting machine] device, pursuant to section 9-  
1159 260. If paper ballots are used in any primary, such sample paper  
1160 ballots shall be overprinted with the word "Sample";

1161 (2) Instructions on how to cast a provisional ballot, as prescribed by  
1162 the Secretary of the State;

1163 (3) Instructions for mail-in registrants and first-time voters who  
1164 register to vote by mail on or after January 1, 2003, as prescribed by the  
1165 Secretary of the State;

1166 (4) General information concerning voting rights under federal and  
1167 Connecticut laws, including information on the right of an individual  
1168 to cast a provisional ballot and instructions on how to contact the  
1169 appropriate officials if such rights are alleged to have been violated, as

1170 prescribed by the Secretary of the State; and

1171 (5) General information on federal and state laws concerning  
1172 prohibitions on acts of fraud and misrepresentation, as prescribed by  
1173 the Secretary of the State.

1174 (k) When unaffiliated electors are authorized under section 9-431 to  
1175 vote for some but not all offices to be contested at a primary, (1)  
1176 separate voting [machines] tabulators shall be used for the unaffiliated  
1177 electors in a voting district, (2) the ballot [label] shall indicate that it is a  
1178 partial ballot for unaffiliated electors, (3) the ballot [label] shall contain  
1179 only the offices and names of candidates for which such electors may  
1180 vote, with blank columns left wherever necessary to assure that each  
1181 candidate's position is the same as on the full ballot for such primary  
1182 in the voting district, and (4) three sample [ballot labels] ballots  
1183 showing such partial ballot shall also be posted inside the polling place  
1184 so as to be visible to such unaffiliated electors.

1185 Sec. 29. Section 9-445 of the general statutes is repealed and the  
1186 following is substituted in lieu thereof (*Effective from passage*):

1187 Forthwith after a primary for nomination to a municipal office or for  
1188 election of members of a town committee, or forthwith upon tabulation  
1189 of the vote for a state or district office by the Secretary of the State  
1190 when the plurality of an elected or nominated candidate over the vote  
1191 for a defeated candidate receiving the next highest number of votes  
1192 was either (1) less than a vote equivalent to one-half of one per cent of  
1193 the total number of votes cast at the primary for the office or position  
1194 but not more than one thousand votes, or (2) less than twenty votes,  
1195 there shall be a recanvass of the returns of the voting [machine or  
1196 voting machines] tabulator or voting tabulators used in such primary  
1197 for [said] such office or position unless within one day after the  
1198 primary, in the case of nomination to a municipal office or for election  
1199 of members of a town committee, or prior to the time the Secretary of  
1200 the State notifies the town clerk of state and district offices which  
1201 qualify for an automatic recanvass, the defeated candidate or defeated

1202 candidates, as the case may be, for such office or position file a written  
1203 statement waiving the right to such recanvass with the municipal clerk  
1204 in the case of a municipal office or town committee, or with the  
1205 Secretary of the State in the case of a state or district office. In the case  
1206 of a state or district office, the Secretary of the State, upon tabulation of  
1207 the votes for such an office, shall notify the town clerks in the state or  
1208 district, as the case may be, of the state and district offices which  
1209 qualify for an automatic recanvass and shall also notify each candidate  
1210 for any such office. When a recanvass is to be held, the municipal clerk  
1211 shall promptly notify the moderator, as defined in section 9-311, who  
1212 shall proceed forthwith to recanvass such returns of the office in  
1213 question in the same manner as is provided for a recanvass in regular  
1214 elections, except that the recanvass officials shall be divided equally, as  
1215 nearly as may be, among the candidates for such office. In addition to  
1216 the notice required under section 9-311, the moderator shall, before  
1217 such recanvass is made, give notice in writing of the time and place of  
1218 such recanvass to each candidate for a municipal office which qualifies  
1219 for an automatic recanvass under this section. For purposes of this  
1220 section, "the total number of votes cast at the primary for the office or  
1221 position" means, in the case of multiple openings for the same office or  
1222 position, the total number of electors checked as having voted in the  
1223 primary in the state, district, municipality or political subdivision, as  
1224 the case may be. When a recanvass of the returns for an office for  
1225 which there are multiple openings is required by the provisions of this  
1226 section, the returns for all candidates for all openings for the office  
1227 shall be recanvassed. Nothing in this section shall preclude the right to  
1228 judicial proceedings on behalf of such defeated candidate under any  
1229 provision of this chapter.

1230 Sec. 30. Section 9-447 of the general statutes is repealed and the  
1231 following is substituted in lieu thereof (*Effective from passage*):

1232 The voting [machines] tabulators used in any primary shall not be  
1233 unlocked for a period of fourteen days from the date of the primary,  
1234 unless otherwise ordered by any judge of the Superior Court [,] or by  
1235 the State Elections Enforcement Commission. If a contest or

1236 investigation is pending, such [machines] tabulators shall not be  
1237 unlocked for such longer period of time as may be ordered by any  
1238 judge of the Superior Court, unless a recanvass has been applied for  
1239 under the provisions of section 9-445, as amended by this act, or unless  
1240 an order has been issued by the State Elections Enforcement  
1241 Commission.

1242       Sec. 31. Subsection (b) of section 9-453r of the general statutes is  
1243 repealed and the following is substituted in lieu thereof (*Effective from*  
1244 *passage*):

1245       (b) On the horizontal rows below the rows so used for candidates, if  
1246 any, who are so entitled to a party designation on the [voting  
1247 machines] ballot, shall be placed, in the appropriate office columns, the  
1248 names of candidates contained in petitions approved pursuant to  
1249 section 9-453o bearing no party designation. Such candidates shall not  
1250 be entitled to separate rows. Precedence as to horizontal row between  
1251 or among such candidates shall be determined, if necessary, by the  
1252 order in which their applications for petitions were filed with the  
1253 Secretary of the State from the earliest to the latest; provided that  
1254 within any such horizontal row the names of as many of such  
1255 candidates for the same multiple-opening office as such row will  
1256 accommodate shall be placed before placing the names of other such  
1257 candidates for such office on the next such row. The order of the names  
1258 of such candidates for the same multiple-opening office, within and  
1259 between any such horizontal rows, shall be determined by the  
1260 registrars of voters by lot in a ceremony which shall be open to the  
1261 public. The registrars of voters shall provide at least five days public  
1262 notice for each such ceremony. Each row in which a candidate's name  
1263 appears who is not entitled to a party designation shall be labeled  
1264 "Petitioning Candidates", the print of which shall correspond to that  
1265 used for party designations.

1266       Sec. 32. Section 9-453s of the general statutes is repealed and the  
1267 following is substituted in lieu thereof (*Effective from passage*):

1268 Vacancies in candidacies occurring after all nominating petitions  
1269 have been approved under section 9-453o, shall not cause the position  
1270 of any candidate's name on the ballot [label] to be changed to another  
1271 position unless a blank row on the [machine] ballot results from such  
1272 vacancy or vacancies in which case the position of candidates  
1273 appearing on lines under the blank row may change if the consent of  
1274 all candidates involved in such a change is filed in the Secretary of the  
1275 State's office prior to the time for printing and filing sample [ballot  
1276 labels] ballots with said secretary. The name of any candidate whose  
1277 candidacy has been vacated shall not appear on the ballot. [label. The  
1278 voting machine pointer over each position where no candidate's name  
1279 appears shall be locked so that no vote can be cast in that position.]

1280 Sec. 33. Section 9-470 of the general statutes is repealed and the  
1281 following is substituted in lieu thereof (*Effective from passage*):

1282 The secretary shall determine by lot, in a public ceremony held on  
1283 the thirty-fifth day preceding the day of the primary, the order in  
1284 which the names of the candidates will appear on the ballot of each  
1285 party at such primary; provided that the category "uncommitted" shall  
1286 appear last on such ballots. Notwithstanding any provision of the  
1287 general statutes to the contrary, no candidate shall be designated on  
1288 the ballot as the party-endorsed candidate. The names of such  
1289 candidates shall appear, in the order so determined by the secretary, in  
1290 the first vertical column of the [voting machine] ballot. Such column  
1291 shall be designated "Nomination for President of the United States";  
1292 provided if the number of candidates is such that there is an  
1293 insufficient number of places in such column, the secretary shall  
1294 determine whether the names of the candidates shall also extend, in  
1295 the order so determined, to the second and succeeding columns as  
1296 may be necessary, or shall appear on the first and succeeding  
1297 horizontal rows as may be necessary. Such columns or rows shall be  
1298 designated as hereinabove provided. Except as otherwise provided in  
1299 this chapter, the form of the ballot shall be prescribed by the secretary  
1300 and shall conform, as nearly as may be, to the provisions of section 9-  
1301 437, as amended by this act.



1302 Sec. 34. Section 9-247 of the general statutes is repealed and the  
1303 following is substituted in lieu thereof (*Effective from passage*):

1304 The registrars of voters shall, before the day of the election, [cause  
1305 the mechanic or mechanics to insert on each machine the ballot labels  
1306 corresponding with the sample diagrams provided and to] put each  
1307 [such machine] voting tabulator in order in every way and set and  
1308 adjust the same so that it shall be ready for use in voting when  
1309 delivered at the polling place. Such registrars shall cause [the machine  
1310 so labeled,] each such tabulator to be in order and set and adjusted, to  
1311 be delivered at the polling place, together with all necessary furniture  
1312 and appliances that go with the same, at the room where the election is  
1313 to be held, not later than six o'clock in the afternoon of the day  
1314 preceding the election. Each [voting machine] polling place shall be  
1315 furnished with light sufficient to enable electors while voting to read  
1316 the ballot [labels] and suitable for use by the election officials in  
1317 examining the counters. [A pencil shall also be provided, within each  
1318 voting machine, for use in casting a write-in ballot.]

1319 Sec. 35. Section 9-320f of the general statutes is repealed and the  
1320 following is substituted in lieu thereof (*Effective from passage*):

1321 (a) Not earlier than the fifteenth day after any election or primary  
1322 and not later than two business days before the canvass of votes by the  
1323 Secretary of the State, Treasurer and Comptroller, for any federal or  
1324 state election or primary, or by the town clerk for any municipal  
1325 election or primary, the registrars of voters shall conduct a manual  
1326 audit of the votes recorded in not less than ten per cent of the voting  
1327 districts in the state, district or municipality, whichever is applicable.  
1328 Such manual audit shall be noticed in advance and be open to public  
1329 observation. Any election official who participates in the  
1330 administration and conduct of an audit pursuant to this section shall  
1331 be compensated by the municipality at the standard rate of pay  
1332 established by such municipality for elections or primaries, as the case  
1333 may be.

1334 (b) The voting districts subject to the audit described in subsection  
1335 (a) of this section shall be selected in a random drawing by the  
1336 Secretary of the State and such selection process shall be open to the  
1337 public. The offices subject to the audit pursuant to this section shall be,  
1338 (1) in the case of an election where the office of presidential elector is  
1339 on the ballot, all offices required to be audited by federal law, plus one  
1340 additional office selected in a random drawing by the Secretary of the  
1341 State, but in no case less than three offices, (2) in the case of an election  
1342 where the office of Governor is on the ballot, all offices required to be  
1343 audited by federal law, plus one additional office selected in a random  
1344 drawing by the Secretary of the State, but in no case less than three  
1345 offices, (3) in the case of a municipal election, three offices or twenty  
1346 per cent of the number of offices on the ballot, whichever is greater,  
1347 selected at random by the municipal clerk, and (4) in the case of a  
1348 primary election, all offices required to be audited by federal law, plus  
1349 one additional office, if any, but in no event less than twenty per cent  
1350 of the offices on the ballot, selected in a random drawing by the  
1351 municipal clerk.

1352 (c) If a selected voting district has an office that is subject to  
1353 recanvass or an election or primary contest pursuant to the general  
1354 statutes, the Secretary shall select an alternative district, pursuant to  
1355 the process described in subsection (b) of this section.

1356 (d) The manual audit described in subsection (a) of this section shall  
1357 consist of the manual tabulation of the paper ballots cast and counted  
1358 by each voting [machine] tabulator subject to such audit. Once  
1359 complete, the vote totals established pursuant to the manual tabulation  
1360 shall be compared to the results reported by the voting [machine]  
1361 tabulator on the day of the election or primary. The results of the  
1362 manual tabulation shall be reported on a form prescribed by the  
1363 Secretary of the State which shall include the total number of ballots  
1364 counted, the total votes received by each candidate in question, the  
1365 total votes received by each candidate in question on ballots that were  
1366 properly completed by each voter and the total votes received by each  
1367 candidate in question on ballots that were not properly completed by

1368 each voter. Such report shall be filed with the Secretary of the State  
1369 who shall immediately forward such report to The University of  
1370 Connecticut for analysis. The University of Connecticut shall file a  
1371 written report with the Secretary of the State regarding such analysis  
1372 that describes any discrepancies identified. After receipt of such report,  
1373 the Secretary of the State shall file such report with the State Elections  
1374 Enforcement Commission.

1375 (e) For the purposes of this section, a ballot that has not been  
1376 properly completed will be deemed to be a ballot on which (1) votes  
1377 have been marked by the voter outside the vote targets, (2) votes have  
1378 been marked by the voter using a manual marking device that cannot  
1379 be read by the voting [machine] tabulator, or (3) in the judgment of the  
1380 registrars of voters, the voter marked the ballot in such a manner that  
1381 the voting [machine] tabulator may not have read the marks as votes  
1382 cast.

1383 (f) Notwithstanding the provisions of section 9-311, the Secretary of  
1384 the State shall order a discrepancy recanvass of the returns of an  
1385 election or primary for any office if a discrepancy, as defined in  
1386 subsection (o) of this section, exists where the margin of victory in the  
1387 race for such office is less than the amount of the discrepancy  
1388 multiplied by the total number of voting districts where such race  
1389 appeared on the ballot, provided in a year in which the Secretary of the  
1390 State is a candidate for an office on the ballot and that office is subject  
1391 to an audit as provided by this section, the State Elections Enforcement  
1392 Commission shall order a discrepancy recanvass if a discrepancy, as  
1393 defined by subsection (o) of this section, has occurred that could affect  
1394 the outcome of the election or primary for such office.

1395 (g) If The University of Connecticut report described in subsection  
1396 (d) of this section indicates that a voting [machine] tabulator failed to  
1397 record votes accurately and in the manner provided by the general  
1398 statutes, the Secretary of the State shall require that the voting  
1399 [machine] tabulator be examined and recertified by the Secretary of the  
1400 State, or the Secretary's designee. Nothing in this subsection shall be

1401 construed to prohibit the Secretary of the State from requiring that a  
1402 voting [machine] tabulator be examined and recertified.

1403 (h) The audit report filed pursuant to subsection (d) of this section  
1404 shall be open to public inspection and may be used as prima facie  
1405 evidence of a discrepancy in any contest arising pursuant to chapter  
1406 149 or for any other cause of action arising from such election or  
1407 primary.

1408 (i) If the audit officials are unable to reconcile the manual count with  
1409 the electronic vote tabulation and discrepancies, the Secretary of the  
1410 State shall conduct such further investigation of the voting [machine  
1411 or] tabulator malfunction as may be necessary for the purpose of  
1412 reviewing whether or not to decertify the voting [machine or  
1413 machines] tabulator or tabulators in question or to order the voting  
1414 [machine] tabulator to be examined and recertified pursuant to  
1415 subsection (g) of this section. Any report produced by the Secretary of  
1416 the State as a result of such investigation shall be filed with the State  
1417 Elections Enforcement Commission and the commission may initiate  
1418 such further investigation in accordance with subdivision (1) of  
1419 subsection (a) of section 9-7b as may be required to determine if any  
1420 violations of the general statutes concerning election law have been  
1421 committed.

1422 (j) The individual paper ballots used at an election or primary shall  
1423 be carefully preserved and returned in their designated receptacle in  
1424 accordance with the requirements of section 9-266 [, 9-302] or 9-310,  
1425 whichever is applicable.

1426 (k) Nothing in this section shall be construed to preclude any  
1427 candidate or elector from seeking additional remedies pursuant to  
1428 chapter 149.

1429 (l) After an election or primary, any voting [machine] tabulator may  
1430 be kept locked for a period longer than that prescribed by sections 9-  
1431 266, 9-310 and 9-447, as amended by this act, if such an extended  
1432 period is ordered by either a court of competent jurisdiction, the

1433 Secretary of the State or the State Elections Enforcement Commission.  
1434 Either the court or the Secretary of the State may order an audit of such  
1435 voting [machine] tabulator to be conducted by such persons as the  
1436 court or the Secretary of the State may designate, provided the State  
1437 Elections Enforcement Commission may order such an audit under the  
1438 circumstances prescribed in subsection (f) of this section. If the  
1439 machine utilized in such election or primary is an optical scan voting  
1440 system, such order to lock such machine shall include the tabulator,  
1441 memory card and all other components and processes utilized in the  
1442 programming of such machine.

1443 (m) The Secretary of the State may adopt regulations, in accordance  
1444 with the provisions of chapter 54, as may be necessary for the conduct  
1445 of the manual tabulation of the paper ballots described in subsection  
1446 (a) of this section and to establish guidelines for expanded audits when  
1447 there are differences between the manual and [machine] tabulator  
1448 counts.

1449 (n) Notwithstanding any provision of the general statutes, the  
1450 Secretary of the State shall have access to the code in any voting  
1451 machine whenever any problem is discovered as a result of the audit  
1452 described in subsection (a) of this section.

1453 (o) As used in this section, "discrepancy" means any difference in  
1454 vote totals between [machine] tabulator and manual counts in a voting  
1455 district that exceeds one-half of one per cent of the lesser amount of the  
1456 vote totals between [machine] tabulator and manual counts where  
1457 such differences cannot be resolved through an accounting of ballots  
1458 that were not marked properly in accordance with subsection (e) of  
1459 this section, "state election" means "state election", as defined in section  
1460 9-1, as amended by this act, and "municipal election" means a  
1461 municipal election held pursuant to section 9-164.

1462 Sec. 36. Subsection (a) of section 9-236 of the general statutes is  
1463 repealed and the following is substituted in lieu thereof (*Effective from*  
1464 *passage*):

1465 (a) On the day of any primary, referendum or election, no person  
1466 shall solicit on behalf of or in opposition to the candidacy of another or  
1467 himself or on behalf of or in opposition to any question being  
1468 submitted at the election or referendum, or loiter or peddle or offer  
1469 any advertising matter, ballot or circular to another person within a  
1470 radius of seventy-five feet of any outside entrance in use as an entry to  
1471 any polling place or in any corridor, passageway or other approach  
1472 leading from any such outside entrance to such polling place or in any  
1473 room opening upon any such corridor, passageway or approach. [,  
1474 except as provided in section 9-294.] Nothing contained in this section  
1475 shall be construed to prohibit (1) parent-teacher associations or parent-  
1476 teacher organizations from holding bake sales or other fund-raising  
1477 activities on the day of any primary, referendum or election in any  
1478 school used as a polling place, provided such sales or activities shall  
1479 not be held in the room in which the election booths are located, (2) the  
1480 registrars of voters from directing the officials at a primary,  
1481 referendum or election to distribute, within the restricted area,  
1482 adhesive labels on which are imprinted the words "I Voted Today", or  
1483 (3) the registrars of voters in a primary, election or referendum from  
1484 jointly permitting nonpartisan activities to be conducted in a room  
1485 other than the room in which the election booths are located. The  
1486 registrars may jointly impose such conditions and limitations on such  
1487 nonpartisan activity as deemed necessary to ensure the orderly process  
1488 of voting. The moderator shall evict any person who in any way  
1489 interferes with the orderly process of voting.

1490 Sec. 37. Subsection (b) of section 51-164n of the general statutes is  
1491 repealed and the following is substituted in lieu thereof (*Effective from*  
1492 *passage*):

1493 (b) Notwithstanding any provision of the general statutes, any  
1494 person who is alleged to have committed (1) a violation under the  
1495 provisions of section 1-9, 1-10, 1-11, 4b-13, 7-13, 7-14, 7-35, 7-41, 7-83, 7-  
1496 283, 7-325, 7-393, 8-25, 8-27, 9-63, [9-296, 9-305,] 9-322, 9-350, 10-193, 10-  
1497 197, 10-198, 10-230, 10-251, 10-254, 12-52, 12-170aa, 12-292 or 12-326g,  
1498 subdivision (4) of section 12-408, subdivision (3), (5) or (6) of section

1499 12-411, section 12-435c, 12-476a, 12-476b, 12-487, 13a-71, 13a-107, 13a-  
1500 113, 13a-114, 13a-115, 13a-117b, 13a-123, 13a-124, 13a-139, 13a-140, 13a-  
1501 143b, 13a-247 or 13a-253, subsection (f) of section 13b-42, section 13b-  
1502 90, 13b-221, 13b-292, 13b-336, 13b-337, 13b-338, 13b-410a, 13b-410b or  
1503 13b-410c, subsection (a), (b) or (c) of section 13b-412, section 13b-414,  
1504 subsection (d) of section 14-12, section 14-20a or 14-27a, subsection (e)  
1505 of section 14-34a, subsection (d) of section 14-35, section 14-43, 14-49,  
1506 14-50a or 14-58, subsection (b) of section 14-66, section 14-66a, 14-66b  
1507 or 14-67a, subsection (g) of section 14-80, subsection (f) of section 14-  
1508 80h, section 14-97a, 14-100b, 14-103a, 14-106a, 14-106c, 14-146, 14-152,  
1509 14-153 or 14-163b, a first violation as specified in subsection (f) of  
1510 section 14-164i, section 14-219 as specified in subsection (e) of said  
1511 section, subdivision (1) of section 14-223a, section 14-240, 14-249, 14-  
1512 250 or 14-253a, subsection (a) of section 14-261a, section 14-262, 14-264,  
1513 14-267a, 14-269, 14-270, 14-275a, 14-278 or 14-279, subsection (e) of  
1514 section 14-283, section 14-291, 14-293b, 14-296aa, 14-319, 14-320, 14-321,  
1515 14-325a, 14-326, 14-330 or 14-332a, subdivision (1), (2) or (3) of section  
1516 14-386a, section 15-33, subsection (a) of section 15-115, section 16-256,  
1517 16-256e, 16a-15 or 16a-22, subsection (a) or (b) of section 16a-22h,  
1518 section 17a-24, 17a-145, 17a-149, 17a-152, 17a-465, 17a-642, 17b-124,  
1519 17b-131, 17b-137 or 17b-734, subsection (b) of section 17b-736, section  
1520 19a-30, 19a-33, 19a-39 or 19a-87, subsection (b) of section 19a-87a,  
1521 section 19a-91, 19a-105, 19a-107, 19a-215, 19a-219, 19a-222, 19a-224,  
1522 19a-286, 19a-287, 19a-297, 19a-301, 19a-309, 19a-335, 19a-336, 19a-338,  
1523 19a-339, 19a-340, 19a-425, 19a-502, 20-7a, 20-14, 20-158, 20-231, 20-257,  
1524 20-265 or 20-324e, section 20-341l, 20-597, 20-608, 20-610, 21-30, 21-38,  
1525 21-39, 21-43, 21-47, 21-48, 21-63, 21-76a, 21a-21, 21a-25, 21a-26 or 21a-  
1526 30, subsection (a) of section 21a-37, section 21a-46, 21a-61, 21a-63 or  
1527 21a-77, subsection (b) of section 21a-79, section 21a-85, 21a-154, 21a-  
1528 159, 22-13, 22-14, 22-15, 22-16, 22-29, 22-34, 22-35, 22-36, 22-38, 22-39,  
1529 22-39a, 22-39b, 22-39c, 22-39d, 22-39e, 22-49, 22-54, 22-61, 22-89, 22-90,  
1530 22-98, 22-99, 22-100, 22-111o, 22-279, 22-280a, 22-318a, 22-320h, 22-324a,  
1531 22-326 or 22-342, subsection (b) or (e) of section 22-344, section 22-359,  
1532 22-366, 22-391, 22-413, 22-414, 22-415, 22a-66a or 22a-246, subsection (a)  
1533 of section 22a-250, subsection (e) of section 22a-256h, section 22a-381d,

22a-449, 22a-461, 23-37, 23-38, 23-46 or 23-61b, subsection (a) or (b) of section 23-65, section 25-37, 25-40, 26-19, 26-21, 26-31, 26-40, 26-40a, 26-49, 26-54, 26-59, 26-61, 26-64, 26-79, 26-89, 26-97, 26-107, 26-117, 26-128, 26-131, 26-132, 26-138, 26-141, 26-207, 26-215, 26-224a, 26-227, 26-230, 26-294, 28-13, 29-6a, 29-109, 29-143o, 29-143z or 29-156a, subsection (b), (d), (e) or (g) of section 29-161q, section 29-161y, 29-161z, 29-198, 29-210, 29-243, 29-277, subsection (c) of section 29-291c, section 29-316, 29-318, 29-381, 30-48a, 30-86a, 31-3, 31-10, 31-11, 31-12, 31-13, 31-14, 31-15, 31-16, 31-18, 31-23, 31-24, 31-25, 31-28, 31-32, 31-36, 31-38, 31-38a, 31-40, 31-44, 31-47, 31-48, 31-51, 31-51k, 31-52, 31-52a or 31-54, subsection (a) or (c) of section 31-69, section 31-70, 31-74, 31-75, 31-76, 31-76a, 31-89b or 31-134, subsection (i) of section 31-273, section 31-288, 36a-787, 42-230, 45a-450, 45a-634 or 45a-658, subdivision (13) or (14) of section 46a-54, section 46a-59, 46b-22, 46b-24, 46b-34, 46b-38dd, 46b-38gg, 46b-38kk, 47-34a, 47-47, 49-8a, 49-16 or 53-133, or section 53-212a, 53-249a, 53-252, 53-264, 53-302a, 53-303e, 53-311a, 53-321, 53-322, 53-323, 53-331, 53-344 or 53-450, or (2) a violation under the provisions of chapter 268, or (3) a violation of any regulation adopted in accordance with the provisions of section 12-484, 12-487 or 13b-410, or (4) a violation of any ordinance, regulation or bylaw of any town, city or borough, except violations of building codes and the health code, for which the penalty exceeds ninety dollars but does not exceed two hundred fifty dollars, unless such town, city or borough has established a payment and hearing procedure for such violation pursuant to section 7-152c, shall follow the procedures set forth in this section.

Sec. 38. Section 9-272 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective from passage*):

If, owing to the number of candidates to be voted upon or owing to inability to obtain a sufficient number of voting tabulators, it is found impracticable to use voting tabulators at any election to be held in any municipality, or in one or more of the voting districts therein, the registrars of voters may discontinue the use of such tabulators for such election in any of the voting districts therein, and shall thereupon cause ballots to be procured and used at such election [, as provided by



1568 this part,] in each of the voting districts wherein the use of voting  
1569 tabulators has been so discontinued.

1570 Sec. 39. Sections 9-6a, 9-242c, 9-243, 9-270, 9-271, 9-273 to 9-276,  
1571 inclusive, and 9-279 to 9-306, inclusive, of the general statutes are  
1572 repealed. (*Effective from passage*)

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	New section
Sec. 2	<i>from passage</i>	9-1
Sec. 3	<i>from passage</i>	9-135a(a)
Sec. 4	<i>from passage</i>	9-224
Sec. 5	<i>from passage</i>	9-235(b)
Sec. 6	<i>from passage</i>	9-238(a)
Sec. 7	<i>from passage</i>	9-238a
Sec. 8	<i>from passage</i>	9-240a
Sec. 9	<i>from passage</i>	9-241(a)
Sec. 10	<i>from passage</i>	9-242
Sec. 11	<i>from passage</i>	9-242b
Sec. 12	<i>from passage</i>	9-245
Sec. 13	<i>from passage</i>	9-248
Sec. 14	<i>from passage</i>	9-249(a)
Sec. 15	<i>from passage</i>	9-249a(a)
Sec. 16	<i>from passage</i>	9-249b(a)
Sec. 17	<i>from passage</i>	9-255
Sec. 18	<i>from passage</i>	9-264
Sec. 19	<i>from passage</i>	9-352
Sec. 20	<i>from passage</i>	9-307
Sec. 21	<i>from passage</i>	9-309
Sec. 22	<i>from passage</i>	9-367
Sec. 23	<i>from passage</i>	9-369
Sec. 24	<i>from passage</i>	9-369c(c)
Sec. 25	<i>from passage</i>	9-377
Sec. 26	<i>from passage</i>	9-435
Sec. 27	<i>from passage</i>	9-436
Sec. 28	<i>from passage</i>	9-437
Sec. 29	<i>from passage</i>	9-445
Sec. 30	<i>from passage</i>	9-447

Sec. 31	<i>from passage</i>	9-453r(b)
Sec. 32	<i>from passage</i>	9-453s
Sec. 33	<i>from passage</i>	9-470
Sec. 34	<i>from passage</i>	9-247
Sec. 35	<i>from passage</i>	9-320f
Sec. 36	<i>from passage</i>	9-236(a)
Sec. 37	<i>from passage</i>	51-164n(b)
Sec. 38	<i>from passage</i>	9-272
Sec. 39	<i>from passage</i>	Repealer section

***Statement of Legislative Commissioners:***

Made changes from "machine" to "tabulator" and "ballot labels" to "ballots" for consistency in sections 8, 10, 27, 28 and 35 and added section 38 for consistency with repealer.

**GAE**      *Joint Favorable Subst.*